

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MARCI A. BAZILE-FLAKE, §
§
Petitioner, §
§
VS. §
§ CIVIL ACTION NO. 04-4707
JO ANNE B. BARNHART, §
§
Respondent. §

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND
REMANDING UNDER 42 U.S.C. § 405(g)**

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on March 10, 2006 and made a *de novo* determination. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). This court adopts the Memorandum and Recommendation and orders that plaintiff Marcia D. Bazile-Flake's motion for summary judgment be granted, that the defendant Commissioner of the Social Security Administration's motion for summary judgment be denied, and that this case be remanded under the fourth sentence of 42 U.S.C. § 405(g) for further development of the record to determine the plaintiff's actual limitations, her residual functional capacity, and, if necessary, her ability to maintain employment.

SIGNED on March 27, 2006, at Houston, Texas.



Lee H. Rosenthal
United States District Judge